

PERSONNEL**VOLUNTARY LEAVE DONATION PROGRAM****A. Introduction**

The Stafford County School Board directed the establishment of a voluntary leave donation program for employees. The purpose of the voluntary leave donation program is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence due to their own catastrophic illness or injury or that of an immediate family member. The Voluntary Leave Donation Program is not to be used in cases of short-term illness, such as routine maternity leave. Employees must be a member of the sick leave bank and exhaust all benefits under the sick leave bank, if applicable, before receiving voluntary leave donation benefits.

Participation as a donor in the Voluntary Leave Donation Program is strictly voluntary and solicitation for leave donation is not permitted.

B. General Provisions

1. Donations are not tax deductible.

2. The Voluntary Leave Donation Program is not subject to any grievance, administrative review, or any other type of procedural review by either donor or donee (recipient) employees.

3. The Voluntary Leave Donation Program shall operate on a fiscal year (July 1 - June 30) basis. Accordingly, leave voluntarily donated in a fiscal year to a recipient for a specific illness must be used by the recipient for that illness in that same fiscal year. Leave voluntarily donated in a fiscal year for a specific illness, but not used by the recipient for that illness in that same fiscal year, shall be credited to the sick leave bank.

4. For payroll purposes, the cut-off date shall be the 15th of the month for all donations to be reflected in the next month's paycheck. Donations received as of the 10th of the month shall be applied to the period covering the 1st of the month through the 15th of the month and will

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be paid out in the next month's paycheck. Donations received after the 10th of the month shall be applied to the periods covering the 15th of the month to the end of the month and will be paid out in the paycheck following the next month or thereafter as needed.

5. Administration of the program will be coordinated by the Human Resources Department.

C. Definitions

1. A *catastrophic illness or injury* is one that incapacitates the employee or a member of the employee's immediate family and which creates a financial hardship because the employee has exhausted all accrued paid leave and sick leave bank benefits. The catastrophic illness or injury must be certified by a licensed physician as set forth in Section D.3.

2. An *immediate family member* is defined as the employee's natural parent, adoptive parent, foster parent, step parent, parent-in-law, spouse, natural child, stepchild, adoptive child, foster child, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, or any other relatives who are permanent residents of the same household.

D. Recipient Eligibility and Usage

Voluntary Leave Donation Program recipients must meet all of the following criteria to receive donated leave from a colleague:

1. Must be an employee eligible to accrue and use leave time.

2. Must be in need of donated leave due to his/her own catastrophic illness or injury or due to the need to care for a member of the employee's immediate family who is experiencing a catastrophic illness. The catastrophic illness need not be the same one for which the employee received benefits under the sick leave bank.

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3. Must have written certification of catastrophic illness or injury from a licensed physician. The licensed physician's certification must state: the nature of the illness or disability; that the employee or immediate family member is totally unable to perform any work because of such illness or disability; the date the employee ceased work; and, approximately how long the employee will be unable to return to work. The phrase "any work" refers not only to the employee's position within the school division, but also to active work in a position outside the school division for which the employee receives wages. A licensed physician's note indicating that the employee will be permanently unable to return to work will not preclude an employee from receiving voluntarily donated leave. The school division, in its sole discretion, reserves the right to resolve any and all disputes involving the meaning of the phrase "any work."

4. Must have exhausted all accrued paid leave and sick leave bank benefits. There is no additional (elimination) waiting period required to receive donated leave payments once all sick leave bank benefits have been exhausted. If the employee or immediate family member suffers a relapse due to the same illness or disability which caused the exhaustion of sick leave bank benefits within thirty (30) calendar days of last receiving sick leave bank benefits, the employee shall be deemed immediately eligible for voluntary leave donations as long as an updated licensed physician's certificate satisfying the requirements set forth in Section D.3. is submitted to the Human Resources Department and all 45 days of sick leave bank benefits have been exhausted. Employees who are not members of the sick leave bank may not receive benefits under the voluntary leave donation program. Employees who have joined the sick leave bank but are within the six-month waiting period for eligibility to receive benefits, shall be qualified to receive voluntary leave donation during such waiting period only after using all accrued/advanced sick, personal, and vacation leave. Such employees still must fulfill the requirement of completing 20-consecutive days without pay before receiving sick leave bank benefits.

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5. Must not be receiving wages from the employee's position within the school division; wages earned from active work in a position outside the school division; and wages received from Worker's Compensation for the same illness for which the employee wishes to receive voluntarily donated leave benefits. The school division, in its sole discretion, reserves the right to determine applicability of this provision.

6. Must not have filed or intend to file a claim for Worker's Compensation for the specified illness or injury. Eligibility for voluntary leave donation benefits will be determined once the Worker's Compensation claim is resolved if the employee is still in need of voluntary leave donation as set forth in Section D.3.

7. Must agree in writing to accept voluntarily donated paid leave from colleagues.

8. Recipient employees shall be eligible to use voluntarily donated leave only in the fiscal year it was donated.

9. There is no maximum number of donors from whom an eligible employee may receive voluntarily donated paid leave days.

10. Voluntarily donated leave shall convert to sick leave for recipients.

E. Exclusions

1. Medical conditions resulting from the following will be excluded from eligibility for benefits under the Voluntary Leave Donation Program:

- a. any occupationally-related accident or illness for which Worker's Compensation benefits have been awarded or is compensable by Worker's Compensation; or
- b. injuries occurring in the course of committing a felony, assault, or any other type of crime.

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- c. injuries occurring in the course of driving under the influence of alcohol or illegal drugs.

2. Employees are ineligible to use donated leave during the period of any disciplinary suspensions.

F. Repayment

Eligible recipients shall not be required to reimburse leave days donated to them except in the following situations:

1. Compensation is received from another source, such as those set forth in Section D.5, for the same period of time the employee received voluntarily donated leave days; or

2. The Human Resources Office determines that abuse or fraud has occurred. The recipient shall be required to repay all used donated leave, and/or may be subject to disciplinary action, including termination.

If repayment is required, leave payment shall be calculated at the current salary rate of the recipient, not the donor. Repayment shall be made within thirty (30) days of notification to the employee. Reimbursed leave days will be returned to the original donor(s).

G. Donor Requirements

1. All full-time and part-time contracted employees who earn leave may donate leave under this regulation.

2. Employees may only donate leave that is actually earned. (For example, a new 10-month employee who has worked for the school division for one week is eligible to use 10 sick days and 2 personal days. However, that employee has not actually earned any leave days to give for donation purposes under this regulation).

3. Employees may donate accrued, actually earned sick, vacation, or personal leave. However, an employee must maintain a sick leave balance of at least ten (10)

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days. There is no minimum donor leave balance requirement for personal leave and vacation leave days. There shall be no minimum leave balance requirement for sick leave, vacation leave, and personal leave days for donations between immediate family members as defined in Section C2. Compensatory time may not be voluntarily donated by an employee to another employee.

4. Donations may be made in half or whole day increments only, except in the case of employees of the Transportation Department who may donate in $\frac{1}{4}$ day increments.

5. All donations must be directed to a specific employee.

6. An employee who donates leave may not have it returned except as specified in Section F and Section H.2.b.

7. In determining the number of days to donate, donors should be advised that donated days not actually used by the recipient for the specified illness shall be credited to the sick leave bank.

8. Participation in the Voluntary Leave Donation Program is strictly voluntary. All donations will remain anonymous, and donors must keep their participation confidential to avoid placing undue pressure on other employees.

9. An individual who voluntarily donates leave days pursuant to this regulation does not automatically become a member of the sick leave bank even if those donated leave days are ultimately credited to the sick leave bank as set forth in Section G.7.

H. Procedural Provisions**1. Recipient Procedures:**

- a. On the Sick Leave Bank Benefit and Voluntary Leave Donation Acceptance Application form, employees shall indicate whether or not they

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would like to receive voluntarily donated paid leave from colleagues if they are still medically unable to return to work as certified by a licensed physician once all sick leave bank benefits have been exhausted. In the event that the employee is physically or mentally unable to initiate a request, an immediate family member, person holding power of attorney, or court appointed guardian/committee may file the request on behalf of the employee.

b. Employees in need of voluntarily donated paid leave shall not solicit donations from colleagues.

c. Employees may contact the Payroll Department after the 15th of the month to inquire as to whether they will receive a paycheck for the immediately following month.

2. Procedures for Donors:

a. Employees wishing to donate leave must complete the Voluntary Leave Donation Program Donor Form (see Appendix A) and submit it to the Human Resources Department.

b. If the intended recipient has indicated a desire not to receive voluntarily donated paid leave, a copy of the submitted Voluntary Leave Donation Program Donor Form shall be returned to the donor indicating that the leave is not needed.

c. The Department of Human Resources shall disclose the names of employees in need of voluntarily donated leave on the weekly Vacancy Announcement that is distributed to all worksites and placed on the school division's website. (Prior permission to disclose his/her name shall be obtained from the employee via the Sick Leave Bank Benefit and Voluntary Leave Donation Acceptance Application for a specific illness). Donor Forms must be received by the Department of Human Resources within the three-week period indicated on the Vacancy Announcement. If an employee in need of voluntarily donated leave

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opts not to have his/her name disclosed on the weekly Vacancy Announcement, he/she may still receive voluntarily donated leave as long as the Donor Form is received by the Department of Human Resources within three weeks from commencement of the employee's eligibility to receive voluntarily donated leave.

d. Donated leave will not appear as a separate line item on the monthly paycheck stub but shall be reflected as an adjustment to the donor's leave balance.

3. Procedures for the Department of Human Resources:

a. The Department of Human Resources shall process donations in order of receipt. If more than one donation is received in a single day, they shall be processed alphabetically by last name. Once received by the Department of Human Resources, donations are irrevocable. All Donor Forms shall be confirmed by the Payroll Department for validity. After being processed by the Department of Human Resources, the Donor Forms shall be forwarded to the Payroll Department for processing.

4. Procedures for the Payroll Office:

a. In the event that a recipient of voluntary leave donation passes away before using all his/her donated leave, the unused portion will be credited to the sick leave bank in accordance with Section G.7.

Approved by Division Superintendent: May 27, 2003

Revised by Division Superintendent: June 21, 2005

Board Review: June 21, 2005 Staff Review: July 26, 2005 Responsible Department: Human Resources

APPENDIX A
VOLUNTARY LEAVE DONATION PROGRAM
DONOR FORM

INSTRUCTIONS:

1. Participation as a donor is strictly voluntary. Solicitation for donations of leave time is not permitted.
2. Donors must maintain a sick leave balance of ten (10) days. There is no minimum leave balance requirement for vacation leave and personal leave days. In addition, there is no minimum leave balance requirement for sick leave, vacation leave, and personal leave days for donations between immediate family members as defined in Section C2 of Regulation 5-38.2. Donor Forms that are not in compliance with this requirement will be adjusted accordingly.
3. Donations must be made in increments of ½ day or a full day except for Transportation Department employees who may donate leave in increments of ¼ day.

DONOR INFORMATION:

NAME: _____

Last
First MI

SOCIAL SECURITY NUMBER:

ADDRESS: _____

HOME TELEPHONE NUMBER: ()

WORKSITE: _____

NAME OF EMPLOYEE TO WHOM YOU WISH TO DONATE LEAVE? _____

DONATIONS:

NUMBER OF SICK LEAVE DAYS _____

NUMBER OF VACATION LEAVE DAYS _____

NUMBER OF PERSONAL LEAVE DAYS _____

I certify that I am voluntarily and willingly donating accrued, earned leave to a colleague who is either experiencing a catastrophic medical illness or injury or family medical

difficulty. I understand that if my donated leave days are not used by the intended recipient for the illness donated, they will be credited to the sick leave bank except as noted in Stafford County Regulation 5-38.2. I understand that if my voluntarily donated leave days are ultimately credited to the sick leave bank, I do not automatically become a member of the sick leave bank. I further certify that I will keep my donation of leave confidential.

Signature of Employee/Donor

Date

RETURN FORM TO ASSISTANT DIRECTOR OF HUMAN RESOURCES